

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

CECILIA CAMACHO,

Plaintiff,

vs.

LUCIO CAMACHO, an individual;
ANGELINA CAMACHO, an
individual; LAW OFFICES
OF LES ZIEVE, as TRUSTEE;
PROVIDENT FUNDING
ASSOCIATES, LP; MORTGAGE
ELECTRONIC REGISTRATION
SYSTEM; and DOES 1 through 100,
inclusive.

Defendants.

CASE NO. 15cv1301 JM (JMA)

ORDER DISMISSING CASE
WITHOUT PREJUDICE

Plaintiff initiated this case in this court on June 12, 2015, asserting six state-law causes of action: (1) wrongful foreclosure, in violation of California Civil Code § 2923.6(c); (2) violation of California's Homeowner Bill of Rights, California Civil Code § 2924.10(a); (3) violation of California's Homeowner Bill of Rights, California Civil Code § 2923.55(b); (4) negligence; (5) unlawful, unfair, or deceptive business practices, in violation of California Business & Professions Code § 17200 et seq.; and (6) fraud and misrepresentation. (Doc. No. 1 ¶¶ 47–95.) Plaintiff alleges that this court has federal-question jurisdiction under 28 U.S.C. § 1331. (Id. ¶ 2.)

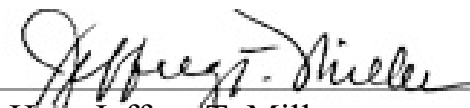
1 “Federal courts are courts of limited jurisdiction.” Kokkonen v. Guardian
2 Life Ins. Co. of Am., 511 U.S. 375, 377 (1994). “It is to be presumed that a cause
3 lies outside this limited jurisdiction, and the burden of establishing the contrary
4 rests upon the party asserting jurisdiction.” Id. (citations omitted). The court has
5 a duty to confirm subject-matter jurisdiction *sua sponte*, whether the parties raise
6 the issue or not. See United Investors Life Ins. Co. v. Waddell & Reed Inc., 360
7 F.3d 960, 967 (9th Cir. 2004).

8 “[T]he presence or absence of federal-question jurisdiction is governed by
9 the well-pleaded complaint rule, which provides that federal jurisdiction exists only
10 when a federal question is presented on the face of the plaintiff’s properly pleaded
11 complaint.” Provincial Gov’t of Marinduque v. Placer Dome, Inc., 582 F.3d 1083,
12 1091 (9th Cir. 2009) (internal quotation marks omitted). “A claim invoking federal-
13 question jurisdiction under 28 U.S.C. § 1331 . . . may be dismissed for want of
14 subject-matter jurisdiction if it is not colorable, *i.e.*, if it is immaterial and made
15 solely for the purpose of obtaining jurisdiction or is wholly insubstantial and
16 frivolous.” Arbaugh v. Y&H Corp., 546 U.S. 500, 513 n.10 (2006) (internal
17 quotation marks omitted).

18 In this case, although the caption and the title of one claim mention the Fair
19 Debt Collection Practices Act, Plaintiff did not cite the Act, identify the relevant
20 provisions, or provide any allegations regarding how the Act was violated. Because
21 the remainder of the claims are under state law and there is no basis for diversity
22 jurisdiction given the citizenship of the parties, the complaint presents no basis for
23 federal jurisdiction. Accordingly, this case is DISMISSED without prejudice.

24 IT IS SO ORDERED.

25 DATED: July 8, 2015

26 
27 Hon. Jeffrey T. Miller
28 United States District Judge